

Notice of Allowability

Application No.

10/633,073

Examiner

Gregory C. Issing

Applicant(s)

HARRISON, EDWARD R.

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3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt filed 7/18/05 and Exam. Amdt of 10/11/05.
2. ☒ The allowed claim(s) is/are 9,12-15,17,32-35 and 37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David N. Tran on 10/11/05.

The application has been amended as follows:

In claim 15, line 7, delete "using" and insert - - determining - -;

In claim 32, line 3, insert - - first - - before "geographic";

In claim 32, line 5, insert - - first - - before "geographic";

In claim 32, line 7, delete "the" and insert - - a - -; and,

In claim 32, line 8, insert - - first - - before "geographic";

In claim 32, line 9, delete "if applicable"; and,

In claim 32, line 9, after "location" insert - - when the alternate geographic location is better than the first geographic location based on predetermined criteria - -.

Cancel claim 36.

Amend claim 37, line 1, delete "36" and insert - - 32 - - therefore.

2. Merely for clarification purposes, the amended language for claim 32 reads as follows:

Claim 32. A system, comprising
a positioning receiver to determine location information corresponding to a first geographic location during a first time period;
a storage device to store information about a network service identified by a discovery process at the first geographic location during the first time period; and
a service selection logic to select the network service during a second time period at the first geographic location without repeating the discovery process, and to suggest an alternate geographic

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location when the alternate geographic location is better than the first geographical location based on predetermined criteria.

3. It is noted that the amendment filed 7/18/05 failed to correctly identify and list claims 18-31, which identification should be labeled as "cancelled". See page 8, amendment filed 10/13/04, last presentation of claims prior to instant.

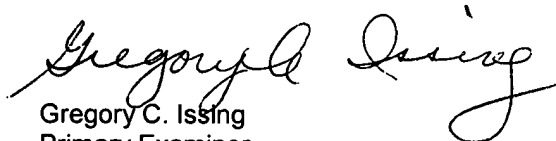
4. Claims 9, 12-15, 17, 32-35 and 37 are allowable over the prior art.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suoissi et al (6,167,268) disclose a method and apparatus for controlling scanning of a subscriber unit including means for determining location, means for storing services associated with location in a database, means for determining distances between instant services and preferred services and selecting the preferred services on the basis of the distances measured, see Figures 2 and 4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci